



Entered on Docket  
August 07, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Rob Charles (NV 6593)  
John Hinderaker (AZ 018024)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (520) 629-4427  
Facsimile (520) 879-4705  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**STIPULATION AND ORDER  
PROVIDING FOR THE WITHDRAWAL  
OF TWELVE HORSES OF NORTH  
AMERICA, LLC'S PROOF OF CLAIM  
AND THE OBJECTION THERETO AND  
VACATING HEARING**

Hearing Date: August 21, 2009  
Hearing Time: 9:30 a.m.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

The USACM Liquidating Trust ("USACM Trust"), by and through its attorneys, the law firm of Lewis And Roca LLP, and Twelve Horses North America, LLC ("THNA," and together with the USACM Trust, the "Parties"), *pro se*, hereby stipulate and agree as follows:

THNA filed proof of claim no. 10725-01173 (the "THNA Claim") in the bankruptcy case of USA Commercial Mortgage Company, case no. BK-S-10725-LBR.

The Objection Of USACM Liquidating Trust To Proof Of Claim Of Twelve Horses North America [DE 7219] (the "Objection") was filed with the Court on July 9, 2009, and is scheduled for hearing before this Court on August 21, 2009.

After receipt of the Objection, THNA and the USACM Trust conferred and have reached the following resolution of the THNA Claim and the Objection.

NOW, THEREFORE, the USACM Trust and THNA hereby stipulate and agree as follows:

1. The THNA Claim is hereby withdrawn;
2. The Objection is hereby withdrawn; and
3. The hearing on the Objection scheduled for August 21, 2009 may be vacated.

Respectfully submitted July 20, 2009

LEWIS AND ROCA LLP

TWELVE HORSES NORTH AMERICA,  
LLC

By: /s/ John Hinderaker  
Rob Charles  
John Hinderaker  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169  
Attorney for USACM Liquidating Trust

By:   
David LaPlante

Its: Manager

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LEWIS  
AND  
ROCA  
—LLP—  
LAWYERS

ORDER

IT IS SO ORDERED.

PREPARED AND SUBMITTED

LEWIS AND ROCA LLP

By: /s/ John Hinderaker  
Rob Charles  
John Hinderaker  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169  
Attorney for USACM Liquidating Trust

APPROVED AS TO FORM:

TWELVE HORSES NORTH AMERICA, LLC

By:   
David LaPlante

Its: Manager

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